

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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EQUIPMENT ACQUISITION	)	Case No. 09 B 39937
RESOURCES, INC.,	)	
	)	Honorable John H. Squires
Debtor.	)	U.S. Bankruptcy Court Judge
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**OBJECTION OF REPUBLIC BANK OF CHICAGO TO  
EMERGENCY MOTION OF ICON EAR, LLC MOTION TO LIFT STAY  
TO CONDUCT FORECLOSURE SALE (EOD 38)**

**REPUBLIC BANK OF CHICAGO** ("RBC" or "Bank"), by and through its counsel, Alexander D. Kerr, Jr. and David A. Kallick of Tishler & Wald, Ltd., states for its objections to the motion of ICON EAR, LLC, et al to lift the stay to conduct foreclosure sale, and for its support of Debtor's motion for an injunction as follows:

1. The circumstances of the relationship of ICON EAR, LLC and/or ICON EAR II, LLC ("ICON") with Debtor, Equipment Acquisition Resources, Inc. ("EAR") and its principals and affiliates including DONNA L. MALONE ("Malone"), MARK W. ANSTETT ("Anstett"), SHELDON PLAYER ("Player"), Donna Malone and Dale Player (collectively the "EAR Group") are extraordinarily unclear at present.

2. The funds for the purchase of the Wyoming properties by the Ear Group appear to have come from EAR. The individuals have conveyed their interests in the Wyoming properties to EAR and they are property of the Estate.

3. The adversary complaint alleged that the funds utilized in the Wyoming property acquisitions were voidable transfers (Ear vs. ICON, Adversary Case No. 09-A-01086 EOD 1 at ¶ 12).

4. ICON states that it entered into a Master Lease Agreement as of December 24, 2007 which was guaranteed by Malone and Anstett.

5. ICON states that it obtained additional guarantees and collateral in March, 2008.

6. Malone presented a "Statement of Assets, Liabilities and Net Worth" to RBC dated April 24, 2008 ("Malone Statement"). The Malone Statement represented that a second residence in Jackson was valued at \$2,500,000 by appraisal and that 93 acres in Jackson was valued at \$27,000,000 by appraisal. See Malone Statement attached hereto as **Exhibit A**.

7. ICON has presented a valuation opinion of approximately \$3,535,000. See, EAR vs. ICON, 09-A-01086 EOD 8 @ p.2.

8. There is no explanation for the apparent 89% drop in value. RBC is unaware of any U.S. jurisdiction where such a drop has been recorded. Materials presented by professionals representing Debtor pre-petition suggest that affiliated individuals have interest(s) in ten (10) parcels in Wyoming totaling in excess of 168.3 acres, eight (8) parcels of which are in Teton County. ICON's material identifies six (6) parcels in Teton County varying in size from 3.56 to 21.2 acres and totaling 79.73 acres.

9. The circumstances of ICON obtaining additional collateral in March, 2008 are unknown and may be void or voidable depending upon the knowledge, facts and actions of involved parties.

10. In all likelihood, ICON would bid its position at any foreclosure sale. Whether it obtains such title now or in the spring is a minimal inconvenience as compared to the absolute and permanent displacement of the interests of creditors in

the unquestioned significant value of the real estate if ICON's motion is granted at this time.

11. The balancing of the equities tips in favor of permitting a proper examination of the facts and circumstances of the transactions set forth in paragraphs 2 – 5 above.

12. The circumstances should be reviewed by a Court appointed examiner or trustee who has had no prior dealings with the Debtor or ICON or any involvement with any transactions related to either party.

**WHEREFORE**, Republic Bank of Chicago prays the Court for entry of an Order dismissing ICON's motion, and for such other and further relief as the Court deems just and equitable in the premises.

Respectfully submitted,

REPUBLIC BANK OF CHICAGO

By: /s/ Alexander D. Kerr, Jr.  
One of Its Attorneys

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**DONNA MALONE**  
**STATEMENT OF ASSETS, LIABILITIES AND NET WORTH**  
4/24/2008

**ASSETS**

Cash	\$	1,963,800.00
(Jackson State Bank, Jackson Hole, WY		
Investments	\$	50,050,111.00
Equipment Acquisition Resources,		
Inc. (stock @ FMV less debt)	\$	486,000.00
Residence	\$	2,500,000.00
Second Residence Jackson Hold (by appraisal	\$	27,000,000.00
93 Acres in Jackson Hold (by appraisal	\$	2,850,000.00
Commercial 555 S Vermont Palatine, IL	\$	3,325,000.00
Rental Property Florida (by appraisal	\$	93,616.00
Retirement Accounts (Putnam	\$	136,000.00
Personal Automobiles and Belongings		

**Total Assets** \$ 88,404,527.00

**LIABILITIES**

Commercial Property Mortgage - EAR Building	\$	2,000,000.00
Rental Property Mortgages	\$	2,316,000.00
(AmSouth Bank and Harris)		
Second Residential Mortgage	\$	700,000.00
(Jackson Hole Bank)		
Real Estate Notes Payable (Long Term)	\$	1,621,000.00

**Total Liabilities** \$ 6,637,000.00

**Net Worth Before Estimated Income Tax** \$ 81,767,527.00

Estimated Income Taxes

(On the Differences Between the Estimated  
Current Value of Assets and the Current Tax Bases  
If Gain was Realized)

	\$	19,500,000.00
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**Net Worth After Taxes** \$ 62,267,527.00

*Donna Malone*  
4-24-08

**EXHIBIT**  
**A**



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WEB SITE: [www.accleasing.com](http://www.accleasing.com) E-Mail: [sam@accleasing.com](mailto:sam@accleasing.com)

**LEASE PROPOSAL SUBMISSION FOR DISCOUNT**

This proposal is being submitted for your review and approval. The stream is offered for discount together with a security interest in the lease and it's underlying equipment. Should you require any additional information, please do not hesitate to contact us.

Date: April 9, 2008 9:50:36 AM

Lessee: Equipment Acquisition Resources, Inc

Lender: Republic Bank  
2221 Camden Court  
Oak Brook Illinois 60523  
Robert Horvath

Tel#: 630-967-6948  
Fax#: 630-921-1478  
RE:

Equipment Cost: \$3,125,000.00 Lease# 7245

Description: (3) each Disco Model DFD 651 Dicing Saws@ \$295 K each  
(1) Disco DFD 690 Dual Spindle Dicing Saw@ 300 K  
(2) Speedfam/IPEC Model 676 CMP Planarizer w/ Robots @ 395 K each  
(1) Speedfam Model EP350 Edge Polisher with robot loader/unloader and notching capabilities @ \$ 1,150,000.00

Term: 36

Bersonal Guarantees: Donna L Malone Mark W.Anstett

Lease Payment: \$100,781.25

# Payments to be discounted: 34

Discount Stream: \$3,426,562.50

Discount Rate: Spread 7.50%

Discounted Proceeds: \$3,078,339.88

5.0%	Discount Earned
	Put to be discounted
x	All residual benefits shall accrue to ACC

Comments: